



## Normalcy and the Reasonable and Prudent Parenting Standard: Information for Youth and Young Adults

*This fact sheet provides information about a law that will benefit children and youth in the foster care system. The law focuses on providing “normalcy.” “Normalcy” means having the same opportunity that youth who are not in foster care have to participate in activities and experiences in the community. The law tries to eliminate barriers so that youth in foster care can participate in activities and be part of the community like their peers who are not in foster care. The law does this by allowing your resource family parents or caregivers to make everyday decisions about your activities rather than getting the permission of the child welfare agency or the court. The information below explains the normalcy law and provides strategies and tips to help youth advocate for themselves so their personal, social, and educational needs can be met.*

### **1. What is the normalcy law?**

The normalcy law is part of the Preventing Sex Trafficking and Strengthening Families Act of 2014. This is a federal child welfare law that all the states must follow. New Jersey enacted its own normalcy law in 2015.

### **2. Does the law apply to all placement types?**

Mostly, yes. The law applies to most placements that you would be placed in by CP & P. This includes: resource family homes, group or congregate care homes, and Independent Living (IL) placements. Treatment facilities or settings that are paid for by Medicaid should follow the spirit of the law and support the participation of youth in activities. However, it is not yet clear how the law will apply to those placements. As of August 2019 only policies related to resource family care have been issued.

### **3. Are children and youth who are placed in the child welfare system allowed to participate in extracurricular, enrichment, social, and cultural activities?**

Yes! The law makes it clear that youth in foster care should have an opportunity to participate in extracurricular, enrichment, social, and cultural activities to the same extent that youth who are not in foster care do.

### **4. Do you have to participate in activities if you do not want to?**

No. You do not have to participate in any activities, but you should have the opportunity to learn about what activities are available, try things out and participate in activities and experiences you are interested in.

### **5. What are examples of extracurricular, enrichment, social, and cultural activities?**

There are so many extracurricular, enrichment, social, and cultural activities! Examples include:

- activities and clubs that are part of school,
- sports teams,
- hobbies,
- activities in the community like volunteering,



- activities and spending time with friends like going to the mall, movies or sleepovers; and
- activities with a resource family.

These are just a few examples. There are many, many more. Ask your Worker and friends for more examples if you have questions. Find out what people you know like to do in the time when they are not in school or working.

## 6. How does participating in activities help or benefit youth?

Activities can benefit youth and adults in a lot of ways. Here are a few examples of how they can be helpful. Activities can help youth:

- develop their skills,
- learn who they are and what they want to be when they get older,
- develop connections and ties with supportive adults,
- make friends who share your interests,
- relieve stress and “let off steam”,
- bring happiness and enjoyment,
- find and develop talents.

### Did You Know?

Comedian and actress **Tiffany Haddish**, who was in foster care, found her love of comedy after her social worker offered her the option to go to a summer camp that focused on comedy. Having people recognize her talent gave her great encouragement. She said:

“It was enough to light a fire.”

## 7. How much money are resource family parents supposed to use on activities for you?

Resource family parents are given money to care for you, but they are not told to spend a specific amount on activities. The money resource family parents are given is for many different things that go into your care and it is hard to break that down into exact amounts. It includes providing for your living costs (housing, clothing and food) and it also includes funds for entertainment, enrichment, and special events.

You should talk to your resource family parent and Worker about the activities you want to do so you can all work together to make them possible. **There are other funds that resource family parents, caregivers, and Workers can apply for to help pay for activities.** See Question 9 below for more information about these funds. Letting your case planning team know what you want to do as soon as you can will leave time to plan and find ways to pay for activities.



## 8. What should you do if you are afraid to ask your resource family parent about money to pay for activities?

The law requires that your resource family parent is trained and understands that participation in activities is important and learns the resources that are available to help pay for activities. Your resource family parent and Worker should have conversations with you about activities and this should make it easier to talk about costs. If you need help starting these conversations with your resource family parent, please speak to your Worker and ask for help. Your Worker is trained to understand the importance of activities and can help you with having this discussion. You can also ask your law guardian for help.

### Did you know?

You have a right to raise concerns and complaints with your caregiver, Worker, and Supervisor. You also have a right to raise your concerns and not be retaliated against (punished) because you have a complaint or concern. To find out more about the Youth Bill of Rights click here: [https://www.nj.gov/dcf/policy\\_manuals/BillofRights.pdf](https://www.nj.gov/dcf/policy_manuals/BillofRights.pdf)

## 9. What are ways that you can get help paying for activities?

There are funds that a resource family parent, caregiver or Worker can request to help pay for your activities. Here are a few you can ask your Worker and resource family parent to look into and request:

1. **Flexible Funds** (“Flex Funds”) can be requested by the Worker from CP & P to cover the cost of enrichment activities after all other funds have been used.
2. Funds from the **Local Office Bank Account** of CP & P can be requested by the Worker for clothing related to activities, such as teams or clubs
3. Embrella (formerly FAFS) has two funds--Fostering Wishes for Children and Dreamers and Believers—that can be requested to pay for enrichment activities, including summer camps. You can ask your Worker, resource family parent, or caregiver to call embrella at 1.800.222.0047 or click [here](#) to learn more.
4. Requests for funds to cover various needs and enrichment activities/items can be made to **One Simple Wish** at [www.onesimplewish.org](http://www.onesimplewish.org).
5. Remember that some organizations waive fees, which means they do not make you pay the fee or costs. Ask about **fee waivers** or **scholarships** for activities.

## 10. Who gets to decide if you get to participate in an activity if you live in a resource family home?

Under the law, your resource family parent gets to decide whether or not you participate in an activity. Before the law, you needed to get prior approval from the judge or your Worker. The law is supposed to make it easier—and quicker—for these decisions to be made so that you can take advantage of opportunities that come up. Resource family parents should decide whether you can participate in an activity using the “**reasonable and prudent parent standard.**” Being reasonable and prudent means that your resource family parent should make the

### Did you know?

Being **reasonable** and **prudent** means making decisions that make sure you are safe, but that you also get the chance to experience, learn new things, and grow.



decision being mindful of your needs and skills as well as understanding the activity and any safety risks it might pose as well as the benefit and enjoyment you may experience in participation.

Your resource family parent or caregiver should talk to you about the activity, why you want to do it, and any concerns they may have. **Your voice is important to the decision making process! Make sure you let your resource family parent know what activities are important to you and why.**

### **11. Who gets to decide if you can participate in an activity if you live in a congregate care home (group home) or a supervised independent living placement?**

Training and information for these placement settings is in process, as of August of 2019, speak with your worker if you are placed in one of these settings.

All congregate care homes and supervised independent living placements must make sure **there is at least one person who is designated on site at all times to make decisions about participation in activities.** This person is a **designated caregiver.** The caregiver must use the “reasonable and prudent parent standard” that is discussed above. The person designated to make these decisions must be trained in the law and the reasonable and prudent parent standard. As you get older your voice should be given more weight so make sure it is heard.

### **12. Now that resource family parents and caregivers can make decisions about whether youth participate in activities, what will they consider to make those decisions?**

Resource family parents and caregivers must use the reasonable and prudent standard to make these decisions. To do this they must take many things into account. Here are some things that they should consider:

- The appropriateness of the activity, child/youth’s age, and developmental stage
- Potential safety risks involved in the activity
- Supports, planning, or accommodations that can help manage the potential risks of the activity
- Determining if supervision will be provided or is needed
- Encouraging the child/youth’s formation of healthy age-appropriate social relationships and bonds
- Allowing the child/youth to maintain an age-appropriate degree of personal privacy
- Helping the child/youth develop skills and nurtures an interest or talent
- Encouraging the emotional, developmental, or cultural growth of the child/youth
- Helping connect the child/youth to the community
- Helping the child/youth to use and develop age-appropriate autonomy and decision-making skills

Your voice and opinion about the activity should also be considered as well as the input of your parents and family.

**All decisions must follow any court orders or any requirements in the case plan.** This means that orders for visitation or treatment must be followed. If you are finding that visitation or treatment is conflicting with an



activity, talk to your team to see how you can schedule things so that you can do both. This may mean asking the court to issue a new order or amending a case plan, but it can be done.

**ADVOCACY TIPS: WORKING WITH THE DESIGNATED CAREGIVER(S) IN GROUP HOMES AND Supervised Independent Living (SIL) PLACEMENTS**

- Find out who the designated caregiver is. If it is not clear, speak with your Worker
- Find out the process for asking to participate in activities.
- Make sure your designated caregiver(s) know about the activities that are important to you and that they get to know about your interests.
- Make sure you are talking about activities in your case planning meetings and that activities are being included in your case plan.

**13. How will a youth's voice be taken into account in the decision of what activities he or she participates in?**

Resource family parents and caregivers should talk with you about the activities you are interested in and help you find activities you like or want to learn more about. As with most decisions, as you get older you should be more involved in the decision making. Good communication with your resource family parent or caregiver will help with these discussions and learning good advocacy skills will help you get your points across.

**ADVOCACY TIPS: TALKING TO RESOURCE FAMILY PARENTS AND CAREGIVERS ABOUT ACTIVITIES:**

- Research and find activities in your community.
- Explain why activities are important to you.
- Share reasons about why activities can benefit you, like helping build your resume, getting into college, and learning skills.
- Ask to talk about your activities at case planning meeting and that they are included in your case plan.

**14. How will the youth's parent or legal guardian be involved in decisions about activities?**

Resource family parents and caregivers should talk with your parent or legal guardian and consider their concerns and opinions related to participation in activities. The opinion of your parent or legal guardian may not necessarily determine whether you will participate in an activity or not, your parent will likely have helpful information that a caregiver can use to make a good decision. Parents may also be able to participate in activities with youth when it is consistent with the permanency and visitation plan. Parents are encouraged to use their discussions with Workers and in case planning meetings to weigh in on planning for your activities so that your whole case planning team is working to support you.

**15. What happens if a youth does not agree with a decision that their caregiver or resource family parent makes about participation in an activity (What happens when a resource parent says "no")?**



Resource family parents should talk to you about their reasons for denying permission for participation in an activity so you understand the decision. Asking what it would take for a “yes” is a good question to ask. If you are dissatisfied with the decision after such a discussion, you should speak with your Worker and his or her Supervisor. You can also contact the Office of Advocacy (Telephone: 1-877-543-7864 – Email: [askdcf@dcf.state.nj.us](mailto:askdcf@dcf.state.nj.us)).

You can also contact your law guardian and CASA and ask them to help or ask them to bring the issue to the judge’s attention at your next court hearing. You should be provided a copy of the **Bill of Rights** for youth in care so that you do understand your rights and how to raise their concerns on this and other issues.

[http://www.nj.gov/dcf/policy\\_manuals/BillofRights.pdf](http://www.nj.gov/dcf/policy_manuals/BillofRights.pdf)

#### ADVOCACY TIPS: WHAT TO DO WHEN YOU DO NOT AGREE

- Talk to your resource family parent or caregiver: ask why they said “no,” try to understand their perspective and see if you can respond to their concerns.
- Explain why you think an activity would be a good for you and help you achieve your goals.
- Ask what it would take to get a “yes.”
- Talk to your Worker and his or her Supervisor.
- Talk to your law guardian and CASA.
- Ask to have the issue of activities be talked about at your next case planning meeting.
- Ask to have the issue of activities be talked about at your next court hearing.
- Contact the Office of Advocacy with concerns, grievances, or complaints (Telephone: 1-877-543-7864 – Email: [askdcf@dcf.state.nj.us](mailto:askdcf@dcf.state.nj.us)).





## 16. How will a youth's participation in activities be included in the case planning process?

Case and transition planning meetings should include discussions about participation in activities. Activities should be included in the case plan and transition plan as well as other actions that are needed to make the activity possible, like transportation or securing funds for fees, equipment, or other costs.

## 17. Will the activities youth participate in get talked about in court?

Yes. The judge in your case should ask about whether you are participating in activities and whether the reasonable and prudent parent standard is being used by your resource family parent or caregiver. The judge's role is to make sure you are getting the benefit of the law, help resolve disagreements, and order that actions be taken to make sure the law is followed. This could mean ordering a planning meeting or that funds or transportation is provided to make participation in an activity possible.

### Did you know?

**Taking part in your case planning meetings can help make sure you get to participate in activities by providing opportunities for:**

- Raising issues about participation in activities.
- Brainstorming solutions related to transportation and cost.
- Inviting at least one other person to help you advocate for yourself about participation in activities.
- Advocating for yourself!

Like the case planning meeting, your court review hearing is a great time for you to advocate for yourself!

## 18. Will the court step in if a youth is having trouble participating in activities?

The role of the judge is to make sure the law is being followed. The judge can order that actions be taken if the law is not being followed. If it makes sense for you to participate in an activity, but there is a barrier like transportation or funds, the judge may make an order that eliminates the barrier like making sure you have a ride.

### ADVOCACY TIPS: RAISING ISSUES ABOUT ACTIVITIES IN COURT

- Talk to your Law Guardian before you go to court about any problems or issues you are having with participation in activities to see if they can help you work them out.
- Ask your Law Guardian to raise any problems about participation in activities in court if they have not been worked out.
- Ask to speak in court about any problems you are having with participation in activities.
- Ask to speak in court about your activities, what you like about them, and any achievements you would like to share.
- Ask to speak to the judge in chambers.



## 19. If you have a disability or special need, can you still participate in activities?

YES! Youth with disabilities benefit from activities to the same degree as all youth and should have the same opportunities for participation. If you need extra support or for arrangements to be made to make an activity safe or possible, these should be provided and are required under the law. Let your case planning team know about the activities you want to participate in so any plans or supports that are needed can be identified and arranged for.

### WHAT ABOUT.....?

*Below are some activities that youth and young adults often have questions about. Some of these activities are impacted by the normalcy law, but some, like getting a driver's license or tattoo, are governed by law that already exists. As you will see, for many of these activities **your voice and advocacy can make a big difference** so make sure you are participating in your case planning meetings and talking with your caregivers and resource family parents about what is important to you.*

#### 1. Can you be left unsupervised in your placement setting?

Your resource family parent can leave you unsupervised at home if they determine that it makes sense given your age and skills.

#### 2. Can you sleep over at a friend's house?

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard. Clearances or criminal background checks are not needed.

#### 3. Can you get your driver's license?

Under current law in NJ, if you are under age 18 you need the permission of a parent or legal guardian to get a learner's permit and/or an examination license, which you get before a probationary license. If the rights of your parents have been terminated CP & P can give you permission. Your Worker, caregiver, or resource family parent may be able to help you with getting a license so talk to them if you have trouble with the process.

#### 4. Can you get help paying for the cost of a driver's training course, the road test, and the driver's license fee?

Yes. CP & P can help you with the cost of taking a driver's training class, which includes behind-the-wheel driving practice. CP & P can also cover the cost of the state road test and driver's license fees. See this [fact sheet](#) for more information. Ask your Worker if she or he can request these funds.

#### Did you know?

Under federal and state law, reasonable accommodations must be made so that an individual with a disability can have access to activities and services just as person without a disability would. Reasonable accommodations could mean a modification or change in a service or program or an additional support being added so that you can participate.

If you have a disability and are facing a barrier to participating in an activity, ask whether an accommodation could be provided. You should ask your Worker and Law Guardian to help advocate for you. You can also call Disability Rights New Jersey at (800) 922-7233.





### **5. Can you ride in a car of a friend?**

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard. Clearances or criminal background checks are not needed.

### **6. Can you date?**

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.

### **7. Can you get a job?**

If you are under age 18, a parent or guardian is needed to complete the employment authorization form (“working paper”) that is needed to be employed. If the rights of your parents have been terminated CP & P can give you permission.

Part-time, summer or full time jobs are an important way to learn independent living skills, get a sense for career options, and make valuable connections with adults and peers. Resource family parents, caregivers and the your case planning team should support you in identifying and having work experiences, getting working papers signed, and resolving any barriers to employment like transportation. See this [link](#) to find out more about getting an employment certificate.

### **8. Can you go to a church or house of worship that you want to go to?**

Yes. You can go to the church or house of worship that you want to. You have the right to practice—or not practice—a religion that you chose. Here is a link to the state policy on this issue: See N.J.A.C. 3A:51-6.5 at [https://www.nj.gov/dcf/policy\\_manuals/Regulations.PDF](https://www.nj.gov/dcf/policy_manuals/Regulations.PDF)

In most cases, the resource family parent and caregiver will look to your parents or legal guardians for questions of religion.

### **9. Do you have to go to church or practice the religion of your resource family?**

No. You cannot be forced to practice the religion or go to the house of worship of your resource family parents or a caregiver. What religion you want to follow or practice is up to you in consultation with your parent or legal guardian. Here is a link to the state policy on this issue: See N.J.A.C. 3A:51-6.5 at [https://www.nj.gov/dcf/policy\\_manuals/Regulations.PDF](https://www.nj.gov/dcf/policy_manuals/Regulations.PDF)

### **10. Can you go on vacation or a trip with your resource family?**

CP&P supports opportunities for youth to travel. There are some steps you need to follow though depending on the length of time you are traveling.

Your resource family parent can give you permission to travel with them for trips of less than 7 nights. Your resource parent should use the reasonable and prudent parent standard to decide whether you can go, but they need to let CP&P that you are going on a trip and where you are going.



If the trip is longer than seven nights or out of the United States, you will need to get the permission of CP & P and your parents will be notified and asked to consent. It is CP&P's policy to give you permission to travel if it does not conflict with anything in your case plan or a court order!

### **11. Can you go on trips with friends or other people like your friend's family?**

If you are placed with a resource family, your resource parent can give you permission to stay at a friend's house or travel for trips of less than 7 nights (sleep overs, school trips, etc). Your resource parent should use the reasonable and prudent parent standard to decide whether you can go, but they need to let CP&P that you are going on a trip and where you are going.

If the trip is longer than seven nights or out of the United States, you will need to get the permission of CP & P and your parents will be notified and asked to consent. It is CP&P's policy to give you permission to travel if it does not conflict with anything in your case plan or a court order!

### **12. Can you go to events and activities in the community without adult supervision?**

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard.

### **13. Who decides if you can use the internet or social media?**

This is the type of activity your resource family parent or caregiver can give you permission to do using the reasonable and prudent parent standard. Resource family parents and caregivers should help you learn how to use the internet and social media in ways that protect your privacy and keep you safe.

### **14. Who decides if you can have a cell phone?**

Resource family parents can use the reasonable and prudent parent standard to make decisions about you having and using a cell phone. CP&P encourages access to technology and social media for youth in foster care so that you will have the skills that your peers have as well as the benefits that finding information and connecting with people through social media can provide. The house rules or expectations that are set about whether you have a cell phone and how much you use it will be something you should discuss with your resource family parents so you can express your needs and views and understand their expectations. There are no designated CP&P funds to pay for cell phones, cell phone plans, or minutes so you will need to figure out how the costs of having and using a cell phone will be handled. Talk with your resource family parents and your Worker to make sure your voice is heard and that you understand what is expected of you.

### **15. Who decides if you can get a haircut or dye your hair?**

In most cases, your resource family parent or caregiver can give you permission to get a routine haircut or trim. Some hair styles or cuts may have religious or cultural significance. In those cases, your parents should be consulted because usually decisions about religion and culture are made by your parents.

As you get older, your choices about your style and identity, including your choices about religion, should be given more weight. It is always good to talk things out with your case planning team even if you find it



frustrating. Sometimes they can think of things that may not be on your mind or help you start a conversation that you may find hard.

**16. Who decides if you can get a tattoo or a piercing?**

If you are under age 18, a parent or guardian's consent is needed to get a tattoo or piercing.